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SUPERIOR COURT IN THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

SHAWN TYLER FREEMAN, Petitioner, vs. ERIN GERLACH, Respondent	Case No.: FC2022-094055 **MOTION TO DISQUALIFY ATTORNEY CAITLIN ANDRADE AND NOVO LAW PLLC**

Respondent / Mother Respectfully Requests this Court disqualify Attorney Caitlin Andrade and Novo Law PLLC.

The Court has a responsibility to regulate the conduct of attorneys appearing before it which includes deciding motions to disqualify counsel.

Lawyers have a special obligation to protect a tribunal against criminal or fraudulent conduct that undermines the integrity of the adjudication process.

Caitlin Andrade has not complied with her ethical obligations as an attorney or an officer of this Court. When a Court finds that ethical violations have occurred, the "[p]otential sanctions typically include exclusion of evidence, disqualification, dismissal, and imposition of costs and fees*." Roosevelt Irr. Dist.*

v. Salt River Project Agr. Imp. & Power Dist., 810 F. Supp. 2d 929, 944 (D. Ariz. 2011). "Close or doubtful cases should be resolved in favor of disqualification" in order to "preserve the integrity of the judicial system." *Richards v. Holsum Bakery, Inc.,* 2009 WL 3740725, at *6 (D. Ariz. Jan. 25, 2010).

From the inception of this case, Caitlin Andrade has been deceitful and disingenuous with this Court. Andrade knowingly allowed her client to commit Perjury and Fraud Upon the Court beginning with Fathers initial pleadings that were filed in bad faith. Andrade knowingly and intentionally prepared, presented, and submitted dishonest declarations, false accusations, deceitful claims, and significant misrepresentations to the Court. Andrade knew when she filed the documents with the Court that the contents of those documents were dishonest, misleading, fabricated, and deceptive. Lawyers must not mislead the tribunal by false statements of law or fact or evidence that a lawyer knows to be false. When Andrade refused to withdrawal her clients perjured claims and misrepresentations as required under the Arizona Rules of Professional Conduct, she became liable for her clients' falsities.

Furthermore, Andrade intentionally deceived the Court during an ex-parte proceeding and omitted information that should have been disclosed to the Court. Andrade, as an attorney, is not permitted to abuse the ex-parte process to gain an unfair advantage for her client. Andrade manipulated the Court into issuing ex-

parte orders and a warrant under false pretenses by presenting dishonest information while simultaneously violating Mother's Rights to Due Process.

There are disputed issues of fact that need to be resolved prior to this case going to trial. Attorney Caitlin Andrade is a necessary witness in determining if it was her or her client who fabricated the significantly deceitful misrepresentations and dishonest claims previously presented to this Court. Litigants cannot reasonably hold a trial when there are currently Orders in place that were obtained by means of Judicial Deception when Father committed perjurious, manipulative, deceitful Fraud Upon the Court.

Mother has brought the serious allegations of substantial litigation misconduct to the Court's attention multiple times. Andrade responds to Mother's Motions with the tactic of distracting the Court with other issues instead of answering the actual allegations pertaining to her and her client's litigation misconduct. Due to Andrade and the Court ignoring the substantial Perjury and Fraud Upon the Court committed by Father, Mother will have to be extremely direct with her allegations by calling Andrade as a witness. Andrade continues to distract the Court when confronted with the allegations of perjury, Fraud Upon the Court and litigation misconduct instead of addressing the issues at hand. It is foreseeable that Andrade will testify in this case as she played a key role in advising, authoring, and filing the dishonest pleadings in this case.

Per the Arizona Rules of Professional Conduct:

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer which will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Ethical Duty Under ER 3.3

ER 3.3(a)(3) plainly requires an attorney to refrain from knowingly offering false evidence. Further, when an attorney later learns that he or she has offered false material evidence to a tribunal, including evidence offered directly by a client or former client, the attorney must take "reasonable remedial measures, including, if necessary, disclosure to the tribunal." ER 3.3(a)(3); see also Hazard, The Law of Lawyering, § 32.20, at 32-59 (discussing analogous section of the Restatement (Third) of the Law Governing Lawyers (2000) which provides that duty of candor to the tribunal survives termination of the attorney-client relationship). The duty to

take remedial measures lasts until "the conclusion of the proceeding." A proceeding is deemed concluded when the result of the proceeding has been upheld on appeal or the time for the appeal has otherwise expired.

Caitlin Andrade was fairly provided with several opportunities to take remedial measures on her own to resolve this matter with the Court but failed to do so. Andrade's failure to take remedial measures constitutes another violation of the Rules of Professional Conduct and makes her liable for Fathers Fraud Upon the Court.

Lawyers shall not make statements in open court or in affidavits unless the lawyer knows the assertation to be true on the basis of a reasonable diligent inquiry. Caitlin Andrade is a well-educated and experienced Family Law Attorney. Therefore, it can fairly be assumed that Andrade possesses a fair amount of common sense and wisdom. It is fair to assume Andrade is logical, rational, and sensible. Common sense tells the Court that many of Fathers previous claims he has made in this Court are untrue. Father making contradictory allegations, presenting inconsistent facts, and differing positions demonstrates his dishonesty. Caitlin Andrade undoubtedly knows that her clients' claims are dishonest, if she herself isn't the one fabricating Father's claims on his behalf. Caitlin Andrade cannot reasonably claim that she believes Fathers stories are true when the stories she authors and submits to this Court are directly contradictory to each other.

Andrade intentionally quoted police reports and information from the parties California cases in her pleadings with this Court. Andrade intentionally omitted the actual Police Reports, parts of Fathers declarations, pleadings, etc. from this Court's record. Andrade abuses her trusted title as an attorney with the belief that the Court will read her quotes and believe her. Unfortunately, the Court has believed Andrades quotes even though Andrades claims never match the evidence once Mother obtains it. By the time Mother obtains the actual evidence that Andrade is quoting and misrepresenting in her pleadings, Orders have already been issued. Mother couldn't have had a reasonable opportunity to contest Andrades' claims at the time because evidence such as Police Reports, transcripts, etc. take significant amounts of time to obtain. However, Andrade had those pieces of evidence in her possession at the time she intentionally misquoted and misrepresented the "facts" in her filings with this Court. Andrade intentionally didn't submit the documents as evidence because the Court would have seen the truth. The reports, declarations, and filings that Andrade mentions in her pleadings but does not provide as evidence demonstrate Fathers dishonesty. The evidence in Andrade's possession vastly contradicts what Andrade presents to the Court on behalf of Father. Andrade knows without a doubt that her client is being dishonest to the tribunal. Andrade has significant and substantial evidence of her client's dishonesty and deceit. Andrade continues to affirmatively misrepresent "facts" to

this Court that she knows to be untrue. The only possible excuse Caitlin Andrade can legally use to explain her behavior of presenting her clients' obviously false claims to this Court would be incompetence. Andrade knows the law; she is not incompetent. It is clear that Fathers deliberately contradictory claims were made to the Court in bad faith with the support and assistance of Andrade. Andrade herself filed documents with this Court that directly contradict each other. Andrade is responsible for maintaining a record of the claims she previously submitted to this Court on behalf of Father. Andrade subsequently or simultaneously submitting contradictory claims to this Court gives Andrade a reason to doubt the accuracy of the information she submitted; she cannot reasonably ignore the falsehoods.

Andrades' false statements and omissions were material to this case. If this Court removed the false or misrepresented information from pleadings authored by Andrade while adding in Andrades intentional omissions, no reasonable Judge would issue any of the orders in this case. Andrade knew the information she supplied to the Court was false or would have known it to be false if she hadn't recklessly disregarded the truth. Andrade successfully fooled this Court by misrepresenting facts in bad faith. Undoubtably Andrade has intentionally caused unnecessary added conflict to an already high conflict case. Andrade has fabricated or participated in fabricating bizarre accusations against Mother that Andrade had no evidentiary support for. Andrade also misquoted the law on multiple occasions.

One of those occasions is when Andrade accused Mother of "forum shopping" for Mother obtaining a Domestic Violence Restraining Order from the Courthouse closest to where she lived, prior to this Domestic Relations case being initiated. Mother obtaining a Domestic Violence Restraining Order to protect herself and the Child at the Courthouse closest to where they lived at the time does not meet the definition of "forum shopping." Andrade also misled the Court regarding the UCCJEA conference. Andrade had a financial incentive to keep the case in Arizona, she is the only party who is benefiting from the added conflict that she has created.

Furthermore, Andrade has significantly lied and misrepresented facts of this case to third parties who she has inappropriately initiated contact with.

Moreover, Andrade has sufficient knowledge that Caitlin Andrade / NOVO LAW PLLC is soon to be a co-defendant in a lawsuit where Mother is the Plaintiff. Mother emailed and mailed the Notice of Claim, a precursor to a lawsuit to Andrade. See Exhibit A. Mother had to follow Arizona's Notice of Claim statute which forbids her from filing a lawsuit in District Court for 60 days after filing a Notice of Claim with a government agency when suing a government employee. Andrade is not a government employee, but her co-defendant is. Therefore, Mother cannot file the lawsuit until the 60-day Notice of Claim time frame passes. Mother provided Andrade with a Notice of Claim as a courtesy, it is not required under

Arizona Law. Mother could've easily surprised Andrade with the lawsuit but instead gave Andrade a fair chance to find Father substitute counsel. Andrade ignored the Notice of Claim just like she ignored her legal obligations to disclose her and her client's prior dishonesty to the tribunal.

Andrades' conduct in this case is utterly intolerable within the legal profession. Lawyers play a crucial role in the administration of justice. In one instance Andrade intentionally presented dishonest statements in an affidavit she knew to be untrue when requesting ex-parte orders from The Hon. Judge Jackson. That action alone carries punishment of disbarment, a punishment reserved for the most egregious of lawyer misconduct. Conduct that warrants disbarment meets the standards of conduct for extreme and outrageous conduct. When a Jurisdiction has a disciplinary rule in place prohibiting such conduct, discipline is appropriate. Such conduct should be prima facie extreme and outrageous. Andrade's conduct in this case violates multiple disciplinary rules.

Andrades' deliberately deceitful conduct in this case is not consistent with an attorney acting within the scope of representation. Andrades' malicious conduct successfully manipulated the Court repeatedly. Andrade has participated in unethical and illegal conduct that violates the law. Courts do not hesitate to hold lawyers accountable for intentionally collusive, fraudulent, or abusive behavior. See e.g. *Aranson V. Schroeder* 671, A.2d 1023, 1027 N.H. (1995) (creating a

"malicious defense" liability for "counsel who engages in the fostering of an unfounded defense or pursues a defense for an improper purpose") See ABA/BNA LAWYERS MANUAL ON PROFESSIONAL CONDUCT, Supra Note 13, at 301; 603-05 (describing misconduct, including abuse of process, for which a lawyer may be held accountable to nonclients). When an attorney and her client conspire in a manner that harms third parties, they should be held liable for their conduct as would any other co-conspirators.

Andrade and Father have developed a dangerous delusion of court complacency and approval of their malevolent intentions towards Mother. This Court failing to act is sending an unequivocal message of tolerance for Andrade and Fathers fraudulent, illegal behavior. The lack of repercussions is an endorsement of Andrade and Fathers delusional belief in their right to continue filing dishonest, fraudulent, fabricated, and deceitful misrepresentations to the Court.

Any person would easily notice Andrade's contradictory statements as dishonest. Andrade will continue offering the Court misleading information as to material facts. Andrades' own contradictory statements prove the falsity of her statements. Andrade's conduct should be considered the sort of "litigation misconduct" that the Court has inherent authority to punish by imposing appropriate sanctions to deter the abhorrent conduct from continuing.

Andrade's submission of false and misleading statements was made in bad faith with the intent to fraudulently deceive the Court to obtain Orders, Warrants, and an ex-parte Order that would not have been issued if Andrade had been honest with the Court. Andrade is reaping the financial benefits of the enhanced conflict while attempting to blame Mother for the conflict that Andrade is creating. Andrade has continued making dishonest statements to the Court, obtaining a higher recovery of attorney's fees, thus needlessly increasing the costs of litigation. Not only is Andrade using dirty tricks to convince the Court to violate Mothers State and Federally Protected Constitutional Rights but also convinced the Court to place an innocent child in a dangerous situation. Andrades deceptive practices have caused irreparable harm to Mother and Child. Andrades' conduct in this case is so egregious and reckless that she has given Father a clear path to a claim of malpractice against her.

If left unpunished, Andrades' conduct in submitting false and deceitful misrepresentations in her filings is likely to repeat itself as the misrepresentations and lies are becoming greater and bolder as this case progresses. This Court has the authority to disqualify Andrade based on her litigation misconduct. The Court has a plain duty to act when Andrades' ethical violations are open and obvious based on the record. Not only has Caitlin Andrade committed ethical violations as an

attorney and officer of the Court but she has permanently damaged the record in this case with her falsities, which can never be repaired.

Per A.R.S. 25-415. Sanctions for litigation misconduct – the above conduct committed by Caitlin Andrade is sanctionable.

A. The court shall sanction a litigant for costs and reasonable attorney fees incurred by an adverse party if the court finds that the litigant has done any one or more of the following:

1. Knowingly presented a false claim under section 25-403, 25-403.03 or 25-403.04 with knowledge that the claim was false.

2. Knowingly accused an adverse party of making a false claim under section 25-403, 25- 403.03 or 25-403.04 with knowledge that the claim was actually true.

Relief Requested

Mother Respectfully requests this Court disqualify attorney Caitlin Andrade from this case and provide any other relief the Court deems necessary and proper under the circumstances.

RESPECTFULLY submitted on this 7th day of December 2023.

Erin Gerlach

EXHIBIT

A

Caitlin Andrade NOVO LAW PLLC
3100 W Ray Rd Suite 201
Chandler, AZ 85226

November 22, 2023

RE: Notice of Intent to File a Lawsuit

Dear Caitlin Andrade,

This letter serves as formal notice of my **intent to file a lawsuit against you**.

Below are some of the allegations that will be presented against you in a lawsuit:

You committed numerous offenses which are sanctionable under Arizona Law AND/OR are violations of the Arizona Rules of Professional Conduct. Your unethical, illegal and disreputable conduct has caused significant and irreparable harm.

It is impossible for any reasonable person to believe your conduct was anything other than completely and totally improper. Your conduct is intentionally extreme and outrageous. You knowingly and intentionally cause severe emotional distress to me and my child. Your actions are sanctionable and constitute violations of the Arizona Rules of Professional Conduct. Therefore, to be regarded as atrocious and utterly intolerable in a civilized community. Your deceitful, unethical and illegal conduct is beyond all possible bounds of decency or integrity for an attorney.

You misused legal procedures with an intent to deceive the Court, resulting in violating me and my child's State and Federally Protected Constitutional and Civil Rights.

You have engaged in activity that is prejudicial to the administration of justice.

On multiple occasions, you knowingly, willingly and intentionally assisted a Judge in conduct that is a violation of the Judicial Code of Conduct.

Subsequently, you knew the judge had committed violations of the Judicial Code of Conduct and failed to inform the appropriate authority as you are legally required to do.

You willfully participated in knowingly misusing civil court proceedings for ulterior purposes.

You knowingly and intentionally failed to comply with statutory requirements during litigation as a tactic to gain an unfair advantage for your client.

You aided and abetted your client utilizing improper conduct outside of litigation as a tactic to gain an unfair advantage.

It is clearly established that material omissions and misrepresentations with a deliberate disregard for the truth to a Court would violate the Constitution. A reasonable official would have fair notice that the intentional use of false evidence is absolutely and obviously irreconcilable with the Fourteenth Amendment's guarantee to Due Process.

You committed aggressive Fraud Upon the Court. You abused your trusted position as an attorney when you intentionally deceived and misled a brand-new Family Court Judge. Your conduct is utterly intolerable within the legal profession. Lawyers play a crucial role in the administration of justice. You have taken advantage of your respected title and position as an Officer of the Court when you committed deliberate, deceitful and unethical conduct in bad faith, causing significant irreparable harm to me and my child.

You aided and abetted your client in continuing his acts of Domestic Violence, Abuse, Stalking, Intimidation, harassment, etc.

You are not immune to suit. You participated in intentionally collusive, fraudulent, and abusive behavior. Conspiring with your client in a manner that harms third parties creates a liability for your conduct as it would any other co-conspirator. You were not acting within the scope of representation when you unethically violated the Rules of Professional Conduct repeatedly. An attorney client relationship does not warrant conduct that violates the law. As such, it's hardly conduct for which any immunity for you as an attorney is either justified or appropriate.

You committed improper acts in the use of process that undermines legal proceedings.

You knowingly, willfully and intentionally filed a Petition to Establish Paternity with a Motion requesting Temporary Orders for Legal Decision Making, Parenting Time and Child Support in bad faith. You included an excessive amount of directly contradictory statements in your filings. A reasonable person would notice your obviously contradictory claims. Therefore, as an attorney and the author of those legal documents, you are expected to notice the dishonesty and inconsistencies prior to submitting those documents to a Court of Law. You knowingly submitted false allegations and significant misrepresentations of "facts" to the Court which will forever remain on the record.

In your initial set of filings, you unfairly and unethically made defamatory, damaging and fabricated accusations that you knew to be untrue.

You accused me of "erratically" withdrawing my child from a school that she was never enrolled in. You fabricated a "mental health issue" and an "emergency" that did not exist. You made the accusation to enhance your deceitful claims you were fabricating to manipulate the Court and to cause unnecessary mental and emotional stress. You also fabricated the false claim because you knew I would never be able to provide exculpatory evidence to defend myself against your false accusation because those records do not exist.

In the same set of filings, you unfairly and unethically accused me of taking the child to another state with your client's permission, but under false pretenses.

Later, you were provided with more evidence including a Police Report where your client told the Police (prior to retaining you or filing the Domestic Relations Case) that your client knew me, and our child MOVED to California. You still failed to correct or withdrawal your misrepresentations and falsities from the Court record as legally required by the Rules of Professional Conduct.

In legal documents you authored, you make the fictitious claim the child was supposed to be in school in Arizona which I "erratically" withdrew her from in some kind of emergent mental health crisis. Then, you contradict yourself by claiming that your client allowed me to take the child out of the State, but claim I took her under false pretenses. You knew your client was being dishonest, if you were not the one fabricating the claims. At that point, you could no longer claim ignorance and you were legally obligated to correct the record. My child is ONE person. She cannot physically be in two places at once. It's visible to anyone who can do basic math that you flat out lied to the Court and subsequently failed to withdraw or your lies that YOU placed on the record.

Per A.R.S. 25-415. Sanctions for litigation misconduct – the above conduct committed by you is sanctionable.

A. The court shall sanction a litigant for costs and reasonable attorney fees incurred by an adverse party if the court finds that the litigant has done any one or more of the following:

1. Knowingly presented a false claim under section 25-403, 25-403.03 or 25-403.04 with knowledge that the claim was false. (You can your client have done this multiple times)

2. Knowingly accused an adverse party of making a false claim under section 25-403, 25-403.03 or 25-403.04 with knowledge that the claim was actually true. (You and your client have done this multiple times)

You wrongfully accused me of failing to return money to your client. You implied that I stole from him when I had no knowledge of what money you were even referring to. You did not provide any receipts, contracts, etc. because your false accusation was fabricated for the improper purpose of unfairly damaging my credibility to mislead the Court and had no other legal purpose.

You claimed that your client purchased certain items for our child, but you didn't provide receipts. It's plausible you may have believed your client's claim at the time when you authored the document. But you knew your client was being dishonest after I provided the receipts to you showing I purchased the items and you found him to be dishonest about everything else. Your client couldn't produce receipts for you because he never purchased the items for the child. Again, you failed to withdraw your dishonest claim or correct the Court's record when you learned of your client's dishonesty, as you were legally obligated to do.

In the same initial set of filings, you claimed that I should not be awarded Legal Decision-Making authority for the child because I allowed her to witness significant Domestic Violence.

In the same initial set of filings, you claimed that your client never committed Domestic Violence. Instead, you claimed he used his "professional training" to physically restrain me during a verbal altercation.

Again, your own claims contradict each other and don't reasonably make sense. Thus, if you were not the fabricator of these false claims and these are in fact your client's claims that he fabricated on his own, you must have known they are false. If your client was innocent and did not commit Domestic Violence, you can't claim that I allowed the child to witness significant Domestic Violence. Additionally, you cannot plausibly say that your client physically restraining me was acceptable conduct during a VERBAL altercation. Furthermore, YOU have had substantial evidence of significant Domestic Violence and Abuse in your possession since the beginning of this case. Therefore, you cannot reasonably attempt to falsely claim to the Court your client didn't commit Domestic Violence. You cannot ethically blame me and a child victim of abuse for our own abuse, that itself is an act of Domestic Violence that YOU are committing.

I will concede to the possibility that at the beginning of the case your client may not have fully disclosed to you that I had evidence of Significant Domestic Violence and Abuse which is why you felt entitled to present your dishonest statements to the Court. Shortly after the case was initiated, you were provided with substantial evidence including VIDEOS of your client committing Significant Domestic Violence and abuse. You ignored the evidence and continued deceitfully presenting to the Court that your client didn't commit abuse. You cannot reasonably believe that your client's verbal statements are honest when multiple police reports, interviews,

videos, photos, etc. directly contradict his claims. The evidence is stacked against your client. Instead of finding an ethical way to honestly represent and defend your client, you willfully, knowingly and intentionally lied to the Court!

You overdramatically, unreasonably and irresponsibly claimed that I was planning to take the child out of the country when you had ZERO basis for that damaging and serious accusation. You are fully aware that me and my child do not have passports or the means to leave the country.

You have repeatedly fabricated non-existent "EMERGENCIES" throughout this case to gain an unfair advantage and to unnecessarily cause extreme stress. Additionally, you can only cry wolf making ridiculous accusations and claims so many times before it's clear that even you don't believe your own overly dramatic and unreasonable misrepresentations.

You knowingly worked in concert with your client to DELIBERATELY prepare and present fraudulent documents, fabricated evidence and dishonest testimony with the improper intent to deceive the Court in proceedings relating to Child Custody.

On multiple occasions, you knew certain facts of the law and facts of the case when it was beneficial for your client. But you pretended to be ignorant regarding the same facts when your disingenuousness would benefit your client. For example, you knew what our address was when it was convenient or necessary for you. Other times, you intentionally misrepresented to the Court that you and your client had no idea where me and the child were. You had more than a reasonable amount of knowledge about where we were living at the time when you presented those misrepresentations to the Court. Another example is when you pretended like you didn't know what the proper procedures were under the UCCJEA when you in fact knew, or you should have known as a trained, experienced Family Law attorney. When you were asked questions by the Judge, you intentionally pretended to be ignorant instead of giving the Judge the actual legal answer that the Judge was looking to you for. At the beginning of this case, you took advantage of the fact that our Judge was a brand-new Family Law Judge with no Family Law Experience.

You disgustingly made comments about my late son to solicit a reaction out of me to manipulate the proceedings. That is disgusting, distasteful, disgraceful, inhumane behavior that demonstrates your lack of integrity. You deliberately wrote subtle digs throughout your pleadings to intentionally cause me emotional distress with no legal basis for the comments. That behavior was completely unethical, unnecessary and inappropriate. The very last place you should be working is in a courtroom determining the BEST INTERESTS of a child.

You willfully, knowingly and intentionally manufactured conflicts that were never conflicts between your client and I prior to your involvement in our lives. You intentionally

manipulated “facts” on paper to mislead the Court and obtain a favorable outcome for your client. You are manufacturing otherwise non-existent conflict between parties benefits you financially.

You filed an EMERGENCY Petition to Enforce, requesting sanctions and other monetary relief along with a WARRANT to enter private property. That Petition was also filled with significant misrepresentations, dishonest claims and intentional omissions of facts.

Failure to make a disclosure is the equivalent of an affirmative misrepresentation. You are liable for deceiving the Court. You successfully manipulated the Court to take the most intrusive action possible under false pretenses, which the Court would not have done if you had been honest. Your pattern of significant misrepresentations and dishonesty throughout the entire duration of this litigation demonstrates not only your lack of morals and integrity but that everything you submit to the Court is done in bad faith.

You willfully, knowingly and intentionally presented dishonest, misleading and deceptive claims to the Court knowing the claims were not true.

When you refused to withdrawal your client’s perjured claims as required under the Arizona Rules of Professional Conduct, you became liable for your client’s falsities and created the appearance and suspicion that you are the one orchestrating the Fraud Upon the Court.

You knowingly and intentionally made serious accusations against me without evidence to substantiate your accusations. You knew the accusations and allegations were placed on the record for an improper purpose.

You abused the Ex-Parte process which is also a serious and concerning violation of the Rules of Professional Conduct.

You requested the Court find me in CONTEMPT for violating an Order that you admitted on the record I was never served with. You are an irresponsible attorney for initiating Contempt proceedings on an EX-PARTE basis less than 3 days after the Court issued its orders. As an attorney, you knew your request was frivolous as the Court could not legally hold me in Contempt at that time. The first requirement of Contempt is the party must have been served with the original Orders, you admitted on the record that I was not yet served at that time. Your entire Ex-Parte Petition was filed in bad faith and is loaded with Fraud.

You have contacted MULTIPLE outside agencies throughout this active litigation, lying to those agencies. You poorly assumed that I wouldn’t be notified of this, but I was.

You also misrepresented “facts” and lied to the District Attorney’s Office on multiple occasions with the belief that they wouldn’t fact check your claims because you are an attorney.

You instructed your client to identify as a Police Officer and quoted his training, expertise, etc. on a ridiculously excessive number of occasions when it was not necessary, relevant or appropriate. You did this as a tactic to gain an unfair advantage while misleading and influencing the Court and fueling the already existent bias.

You assisted your client with violating an Order of Protection on multiple occasions. You subsequently lied to the Court regarding your clients’ violations of the Orders of Protection.

You have unreasonably requested the Court issue the most extreme orders, sanctions and punishments in an effort to intimidate me as a self-represented party. You participated in conduct to gain an unfair advantage that you never would have dared to if I was an attorney.

You negligently or intentionally requested the Court hold me in Contempt for violating an Order that you INTERPRETED. You claimed that I violated parts of an Order that were not actually in the original Order. You willingly, knowingly and intentionally misquoted “Court Orders” that were not existent.

You misrepresented “facts” and presented dishonest claims of “urgencies” and “emergencies” that helped mislead the Court to violate both me and my child’s State and Federally protected constitutional rights. You did this as a dirty way to gain an unfair advantage in the case and ultimately for your own financial gain.

As an attorney, you undeniably knew what you were doing when you acted with the Fraudulent intent to deceive the Court. Lawyers shall not make statements in open court or in affidavits unless the lawyer knows the assertation to be true on the basis of a reasonable diligent inquiry. A lawyer is legally required to refuse to offer evidence that the lawyer knows to be false; regardless of their client’s wishes. The duty is promised on the lawyers’ obligation as an officer of the Court to prevent the trier of fact from being misled by false evidence. A lawyer’s knowledge that evidences on testimony is false, the lawyer cannot ignore the falsehood.

Not only were you provided with significant evidence that your client was dishonest, but you filed documents with allegations and claims that directly contradicted each other. Having offered material evidence in the belief it was true; a lawyer may subsequently come to know the evidence is false. Or a lawyer may be surprised when he finds out his client’s claims are false. In such situations, the lawyer must take remedial measures including withdrawal or correction of a false statement or evidence. If that fails, the lawyer should withdrawal from representation and make such disclosures to the tribunal as reasonably necessary to remedy the situation, even

if doing so requires the lawyer to reveal information that otherwise would be protected. (All of which you have failed to comply with)

Lawyers have a special obligation to protect a tribunal against criminal or fraudulent conduct that undermines the integrity of the adjudication process.

Per Ariz. R. Supp. Ct. Er 3.3 – Candor toward the tribunal

(a) a lawyer shall not knowingly:

1. make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by a lawyer;

3. offer evidence that a lawyer knows to be false. If a lawyer, the lawyer's client or a witness called by the lawyer has offered material evidence and the lawyer comes to know if its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonable believes is false.

(b) A lawyer who represents a client in an injunctive proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer which will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Case law clearly establishes that Judicial Deception may occur when an omission or a misrepresentation causes a party to be deprived of Custody of a Child, which wouldn't have happened otherwise, meaning your omissions were material. You violated me and my child's rights to be free from Judicial Deception in Child Custody Proceedings, which are clearly established rights and beyond debate.

You willfully, intentionally and maliciously used legal process to intentionally inflict unnecessary emotional distress.

You willfully, intentionally and maliciously made defamatory claims on the record that you knew to be untrue.

You knowingly and intentionally placed false claims on the record with malicious intent. It would take a significant amount of time from an experienced attorney to clean up the dishonest rubbish that you intentionally clogged up the Court's record with.

You lied on an application / affidavit for a warrant meaning that was improperly obtained. Not only is that a sanctionable offense and a serious ethical concern but also a criminal act.

Lawyers must not mislead the tribunal by false statements of law or fact or evidence that the lawyer knows to be false. You were in possession of a plethora of substantial legitimate evidence including but not limited to: Police Reports (which you knowingly and intentionally repeatedly misquoted in your filings), transcripts of police interviews, transcripts of 911 calls, receipts, photos, videos, District Attorney documents, etc. And declarations your own client authored and signed under penalty of perjury that he submitted to not only the Arizona Court but several other Courts of Law. The evidence in your possession contradicts the statements, claims, allegations and information in the filings you presented to the Court. You submitted documents while intentionally omitting portions of the documents in an effort to conceal your client's dishonesty.

As an experienced Family Law Attorney, you knew your client would not be successful if he was honest. Therefore, you added your own allegations and claims to his Petitions, Motions, etc. that were filed with the Court to fraudulently obtain the Orders in this case.

You repeatedly failed to follow the proper protocol as required under The Arizona Rules of Professional Conduct to remedy your clients' deceitful conduct, misrepresentations and extensive perjury you placed on the record. Your intentional failure to comply with the Rules of Professional Conduct continues to cause additional harm to me and my child.

As a direct and proximate result of your conduct as alleged hereinabove, I have suffered harm in the forms of economic loss, emotional distress, anxiety, pain and suffering, mental anguish, stress, stress-induced medical issues and other consequential harm.

I desire relief in the form of monetary relief in an amount that is sufficient to pay for my previous attorney's fees and future attorney's fees and Court costs that will be necessary to remedy the horrific damage caused by the illegal conduct you committed in this case.

And monetary relief in an amount sufficient for mental anguish and emotional distress which you unnecessarily caused me and my daughter for the last year and a half while continuing to cause it daily as your Fraud upon the Court continues.

And for security costs. If you hadn't lied, misled and deceived the Court, my daughter and I would be protected with a legal Order of Protection. Thus, we wouldn't have the expense of security to keep us protected from your client.

I am also requesting you follow the Arizona Rules of Professional Conduct. You were legally required to follow the Arizona Rules of Professional Conduct but have failed to do so on your own, even after multiple reminders.

I am also requesting, per the Arizona Rules of Professional Conduct, that you withdrawal any and all information that you placed on the record with the Maricopa County Superior Court that you know to be false, untrue, misleading, deceitful or fraudulent. Which is an action you should have done on your own based on your professional duties and obligations. It is not a remedy I should even be forced to request.

I am requesting that you stop placing additional false, untrue, misleading, deceitful or fraudulent information on the record with the Maricopa County Superior Court.

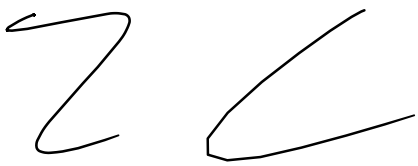
I am requesting that you follow proper procedures, Court Rules, applicable laws and participate in the case in a fair and just manner, as you should have been from the beginning of the case.

This offer to settle this matter and avoid a lawsuit is valid for 7 days.

If I do not receive a favorable response in 7 days, you leave me no alternative but to file a lawsuit against you. In the event of a lawsuit, I intend to seek redress to the fullest extent permitted by law, but not limited to, additional damages, court costs, and accrued interest along with a demand for a Jury Trial.

This letter of intent to sue is governed by the laws of the State of Arizona. I am sending this letter to you in good faith as a courtesy. I reserve the right to add additional allegations and information to the lawsuit as such claims may arise between now and the time of filing.

Sincerely,



Erin Gerlach
9461 Charleville Blvd #597
Beverly Hills, CA 90212

COPY of the foregoing e-filed

This 7th day of December 2023

Copies sent to:

The HONORABLE JUDGE CHARLENE JACKSON

DRJ24@jbazmc.maricopa.gov

Caitlin Andrade

caitlin@novolawyers.com

The HONORABLE JUDGE RONDA FISK

DRJ01@jbazmc.maricopa.gov

The Commission on Judicial Conduct

CommissionJudicialCo@Courts.az.gov